

## Twelfth and Final Compliance Report – Equal Protection

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## Brief

### *Key Points*

- 1.. The Memorandum of Agreement (MOA), though terminated now, required the Juvenile Court to adopt and execute a specific process for addressing disproportionate minority contact (DMC) that included a focus on Black youth disparities in case outcomes. The MOA did not require Shelby County to produce specific DMC numbers, i.e., there were no predetermined numerical results that needed to be achieved. Rather, the Court was charged with engaging in a deliberate process of reviewing, implementing, evaluating, and revising (where needed) its policies and practices that impacted DMC, with the hope being that DMC would be reduced and/or eliminated. It is likely that this process could result in the absence of DMC. If DMC is still present despite a genuine and sustained attempt to engage in the process of implementation, monitoring, evaluation and possible revising of each policy and practice, the Court's obligations under the MOA would be satisfied.

While this holds true for DMC in terms of numbers and relative rates, it does not apply to the inability to change racial disparities in case outcomes once all relevant legal and extralegal factors are taken into account. The failure to eliminate racial disparities or achieve equitable treatment of all youth in juvenile court proceedings in this regard would not meet the rating of substantial compliance with the MOA.

Only in the past two to three years has the Court's leadership attempted to approach DMC as a deliberative and impactful process of evaluation and revisions to policies and practices. In some cases, revising of procedures occurred as recently as August of 2018.

2. Although there is some evidence of slight fluctuations, for the most part, the data indicate that disproportionate minority contact (DMC) has been present in each of the steps of the juvenile justice system and has remained steady or constant since 2010 (see Table 1, next page). An exception has been at the judicial disposition involving confinement of youth in secure facilities.
3. Results from Assessment studies (performed annually) have shown racial inequities to exist consistently at the non-judicial decision-making stage (see Figure 1, page 4).
4. The Juvenile Court has implemented a number of initiatives addressing referrals, secure detention and decision-making at the non-judicial stage (see text). These efforts have the potential to reduce the number of youth and in some cases has, which is good. But these efforts may not impact DMC and the presence of inequities (see pts. 1 and 2 above).
  - The consistency of the DMC findings may be to the slowness of the Juvenile Court to grasp what is needed to the reduce DMC, develop it as a specific goal, and most of these efforts were not implemented until 2 to 3 years ago; some have been recently evaluated and revised ( (DAT3.1, SRT, GRG) but not subject to further evaluation, while other initiatives have not been evaluated in detail (LEAP, etc.) to assess their impact on DMC (see the 11<sup>th</sup> Equal Protection Monitor Report in Appendix 1 of this report).

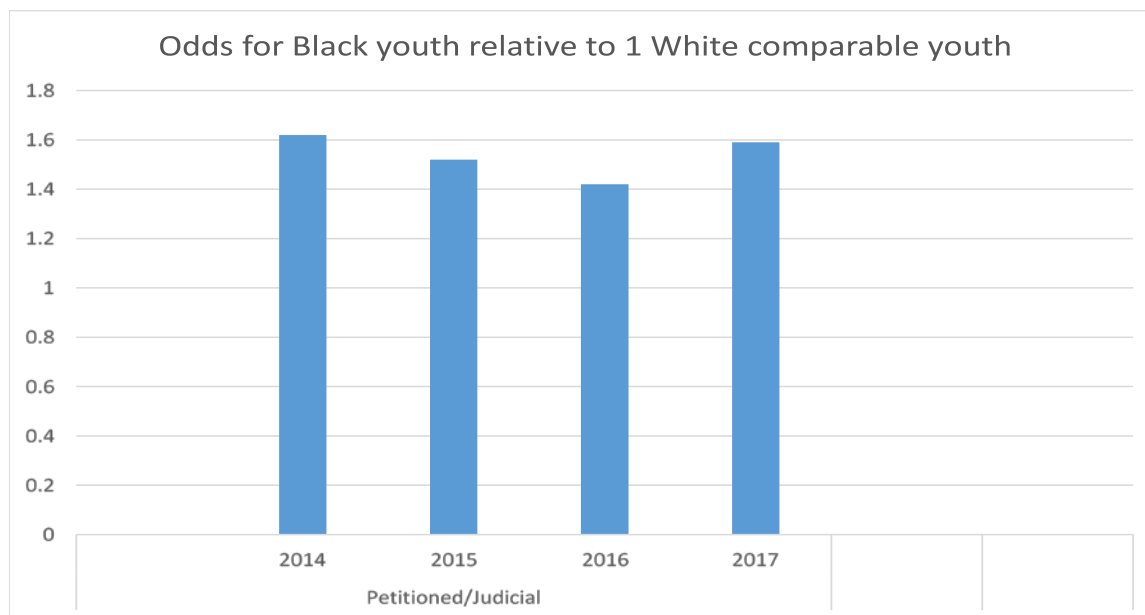
**Table 1.** Rates of Juvenile Court Actions and Relative Rate Index, 2010-2018

Decision Stage (and base rate for calculation)	RRI 2010	RRI 2011	RRI 2012	RRI 2013	RRI 2014	RRI 2015	RRI 2016	RRI 2017	RRI 2018
1. Refer to Juvenile Court (per 1000 population)	<b>3.65</b>	<b>4.25</b>	<b>4.42</b>	<b>5.06</b>	<b>4.38</b>	<b>4.26</b>	<b>4.45</b>	<b>3.50</b>	<b>4.00</b>
2. Cases Diverted (per 100 referrals)	<b>0.95</b>	<b>0.83</b>	<b>0.93</b>	<b>0.88</b>	<b>0.92</b>	<b>0.91</b>	<b>0.95</b>	<b>0.97</b>	<b>.90</b>
3. Cases Involving Secure Detention (per 100 referrals)	<b>1.67</b>	<b>1.65</b>	<b>1.32</b>	<b>1.64</b>	<b>2.02</b>	<b>2.31</b>	<b>1.89</b>	<b>3.20</b>	<b>1.90</b>
4. Cases Petitioned (charge filed per 100 referrals)	<b>0.85</b>	<b>1.49</b>	<b>0.73</b>	<b>1.46</b>	<b>1.69</b>	<b>1.79</b>	<b>1.78</b>	<b>2.15</b>	<b>1.83</b>
5. Cases Resulting in Delinquent Findings (per 100 referrals)	<b>2.00</b>	<b>1.44</b>	<b>2.11</b>	<b>1.16</b>	<b>1.18</b>	<b>1.70</b>	0.94	<b>1.16</b>	<b>1.24</b>
6. Cases resulting in Probation Placement (per 100 found delinquent)	<b>0.91</b>	1.04	0.97	1.04	1.05	<b>1.29</b>	0.90	<b>0.74</b>	1.04
7. Cases Resulting in Confinement in Secure Juvenile Facilities (per 100 found delinquent)	<b>1.19</b>	<b>1.76</b>	<b>1.30</b>	1.05	<b>1.50</b>	1.65	-	1.32	1.00
8. Cases Transferred to Adult Court (per 100 referrals)	<b>2.86</b>	<b>1.42</b>	<b>2.23</b>	-	-	-	-	0.72	-

- Insufficient number of cases; unable to conduct RRI analyses for decision stage

Note: Data for 2010-2017 provided by Juvenile Court of Memphis and Shelby County (JCMSC). How to read relative rate index (RRI), for example in 2018, *Refer to Juvenile Court* as 4.00 Blacks to 1 White.

Bold indicates statistical significance

**Figure 1.** Logistic Regression Odds by Race and Petition/Judicial Stage, 2014-2017

Note: How to read odds ratio, for example in 2017, petitioned 1.59 Blacks to 1 White.

*Moving Forward*

1. Setting goals and implementing initiatives to specifically reduce DMC.
2. The implementation of strategies or changes in procedures need to be continuously monitored, evaluated, revised or changed, monitored, evaluated, etc.
3. In addition to counts/frequencies differentiated by race and crime type or crime severity as part of an evaluation, which at best can provide descriptive information, it is important to utilize appropriate and detailed research methods any future efforts that might be undertaken to analyze DMC. This should include techniques involving multivariate analyses, such as logistic regression, to isolate the impact of race on decision-making. The use of such a method of analyses allows for the consideration of a number of factors, variables, at one time with the decision-making process rather than just one or two when aggregate counts or frequencies are used. The use of multivariate analyses allow for making judgement derived from the results more as fact than those derived from frequencies that instead provide the groundwork for only general assumptions. For an example of the use of logistic regression see Appendix 2 of this report.
4. The Juvenile Court has retained Melissa Sickmund as a statistician to address DMC, which is an important step toward ensuring that moving forward analyses involving the use of multivariate analyses will be conducted. As was done with me, an independent researcher who studies the influence of race/ethnicity on juvenile court outcomes should also be contracted to replicate the assessment study(ies). Such a practice produces greater faith in what has been conducted and the accuracy of the analyses and results.

## Executive Report

On October 19, 2018, the Memorandum of Agreement (MOA) involving oversight by the United States Department of Justice (DOJ) of the Juvenile Court of Memphis and Shelby County (JCMSC) was terminated. From this point on JCMSC will be referred to as Juvenile Court. As background, it is important to note that every six months, the Equal Protection Monitor assessed the level of compliance by the Juvenile Court. The first Monitor's report was submitted on June 12, 2013. I have been requested by the Shelby County Board of Commissioners and the Juvenile Court to write a 12<sup>th</sup> and final Equal Protection Compliance Report. This 12<sup>th</sup> Equal Protection Monitor Compliance report covers information obtained from my last on-site visit (October 8-10, 2018) as well as information sent to me by the Juvenile Court following the on-site visit. However, each of the previous Equal Protection Monitor reports, including the past assessment studies (all but one conducted by the Equal Protection Monitor) have also been relied upon to write this Report. Recommendations are given to guide the Juvenile Court toward the continued need for the equitable treatment of all youth in juvenile court proceedings and allow for potential oversight of the Juvenile Court in the quest toward achieving this goal.

The Juvenile Court has undertaken a series of initiatives to reduce or eliminate race disparities. For example, the Summons Review Team (SRT) program and the Precinct Liaison program are designed to reduce referrals to the Juvenile Court and a number of procedural changes have also occurred, such as revisions of objective decision-making tools at secure detention (Detention Alternative Tool or DAT3) and most recently at the non-judicial stage or petition (The Graduated Response Grid or GRG). These efforts at juvenile justice reform and others (to be discussed later in the report) are to be applauded. But, the success of these recent initiatives is yet to be apparent. Racial disparities in the operation of the justice system are nearly as great as those which led to the original MOA in 2012. Racial inequities also exist, most notably at petition. More specific, Black youth continue to be overrepresented in referrals to juvenile court, secure detention, and referrals for further court proceedings (petitioned). The latter is evident even after taking into account relevant legal factors (i.e., crime severity) and extra-legal considerations (i.e., age). Although much of the discretion rests with the Prosecutor, the bulk of youth referred to adult court are Black.

As stated previously in the last Equal Protection Monitor Compliance Report, in part, some of this lack of change in numbers, rates, and evidence of inequity may be attributed to the recency of the implementation of a number of the activities by the Juvenile Court and not enough passage of time to assess the full impact on the treatment of youth. As part of this process, the implementation of strategies or changes in procedures need to be continuously monitored, evaluated, revised or changed, etc. The Juvenile Court has begun to grasp the importance of implementation and change as an ongoing process. However, the Juvenile Court should continue to have some sort of monitoring system in place while efforts continue to be made to reduce DMC and achieve greater equity for all youth. The strategic planning committee made up of key stakeholders has the promise of doing this needed work. It is possible that the community may also want to have some oversight in place to ensure these efforts are being carried through moving forward. Keep in mind that although the MOA covered over 6 years, it was not until the last 2 years that the Juvenile Court showed less resistance to the recommendations provided by the Equal Protection Monitor (see 11<sup>th</sup> Equal Protection Monitor Compliance Report, in Appendix 1 of this report). Furthermore and is detailed throughout this Report and in the

Compliance ratings, the Juvenile Court, while making strides in many areas as evident by ratings that were either designated as in substantial compliance or the required provisions were terminated, the Juvenile Court still had ratings of partial compliance at the time of the termination of the MOA.

It is within this context that the following directions are provided. These directions are framed by the procedural changes, strategies, and policies as each pertains to disproportionate minority contact (DMC) around referrals, secure detention, and non-judicial decision-making (petition).

**Referrals:** Police/schools referrals to the juvenile court have declined, however, Black youth continue to be overrepresented at a significant relative rate to White youth.

Steps that need to continue: While the Juvenile Court has provided evidence of aggregating counts and differentiating by race, there is a need to continue to do this AND assess what the counts mean and if they reflect the goal of reducing DMC and if not, what steps are being taken to attain a reduction in referrals.

Strategies that fall within these steps are, but not limited to, SHAPE, Porter Leath and the use of beds at Youth Villages, discussions/ trainings of the Memphis Police Department (MPD), including those in higher administration, the Law Enforcement Assistance Program (LEAP), the Summons Review Team (SRT), and the Precinct Liaison program. The Summons Review Team (SRT) was developed where the Juvenile Court tracks information to assess which youth are receiving summons, for what offenses, whether the summons is appropriately being issued, if youth could be warned and released rather than attend an intake interview, and whether trends exist that need to be addressed with law enforcement. This initiative reviews all summons (not just summonses issued for limited minor offenses occurring at school). The SRT effort was fully implemented in the fall of 2016 and revised in February 2017. Recent data provided by the Juvenile Court shows that in 2017 and 2018, the SRT has served 2,893 Black youth, 639 Whites, and 126 Other. The SRT initiative appears to be diverting youth away from Juvenile Court. The use of the SRT initiative appears to be good strategy to reduce the number of youth referred to juvenile court.

Moving forward the Juvenile Court should not only continue to track the number of youth, differentiated by race, but conduct deeper analysis involving multivariate techniques, such as logistic regression, to determine the influence race has a predictor of participation in the SRT program. An example of the use of this technique can be found in Appendix 1 of the 10<sup>th</sup> Equal Protection Monitor Compliance Report, and in Appendix 2 of this report.

In addition and as with the other initiatives implemented by the Juvenile Court, there is a need to continuously evaluate if they are producing the intended results and whether these should be used in greater frequency to reduce the number of youth, especially Black youth, referred to juvenile court. If the initiative is not reducing DMC, a narrative should be given as to why not and proposed changes to correct or improve the initiative should be stated and implemented.

It is also recommended that the Juvenile Court continue to work with the MPD so that the MPD calls the Juvenile Court before transporting a youth to detention to determine if a transport is

necessary. This is the goal of both the Summons and the call-in programs. In one time-frame, MPD failed to call in 48% of the transports (54 of 111 transports). As with past recommendations, greater use of the Precinct Liaison program may be a fruitful strategy to reduce referrals of youth to the juvenile court.

**Secure detention:** The number of youth held in secure detention has shown some decline. However, the relative rates of Black youth held in secure detention compared to Whites has remained quite high over time. Furthermore, in a study conducted by the Equal Protection Monitor (see the 10<sup>th</sup> Compliance Report), 93% of those referred to Juvenile Court for detention via a transport were Black youth; representing a significant overrepresentation relative to the general population.

Steps that need to continue: As reported in the 10<sup>th</sup> and 11<sup>th</sup> Equal Protection Monitor Reports, some of the DMC issue at secure detention is tied to differential involvement in delinquent behavior, possible police deployment practices and referrals to detention, and the DAT3 itself. It was previously recommended that if concerns of the DAT3 would be addressed by the Juvenile Court, the concern regarding DMC and the use of secure detention would be lessened as a central issue of the Juvenile Court. A shift in focus should then be on police referrals and greater use of alternative non-secure settings for youth. Still, the Juvenile Court would need to continue to monitor, evaluate and revise the DAT3 as needed.

More specific, it had been recommended that statutory mandatory offenses or items be placed on the top or first page of the DAT3, indicating a non-DAT3 decision to detain. By doing this, the use of overrides would decline. In addition, the DAT3 would more accurately reflect the decision-making process. The Juvenile Court was asked to further examine the criteria and weights contained within the DAT3. Examine for duplication, double counting; examine questions to see if can be further defined – severity versus less serious, etc.; examine the weights; and examine and determine if mitigating factors that are more urban-related and attainable could be incorporated. Broader factors should be considered, such as engages in positive activity- e.g. school, GED prep, employment, family care, significant service activity. Information provided by the Juvenile Court indicates that these recommendations have been addressed with the adoption of DAT3.1 in August of 2018.

As described for the SRT initiative, moving forward the Juvenile Court should not only continue to track the number of youth, differentiated by race, but conduct deeper analysis involving multivariate techniques, such as logistic regression, to determine the predictors, including race if there is enough variation, of the detention decision. An example of the use of this technique can be found in Appendix 2 of the 10<sup>th</sup> Equal Protection Monitor Compliance Report and can be found in this report.

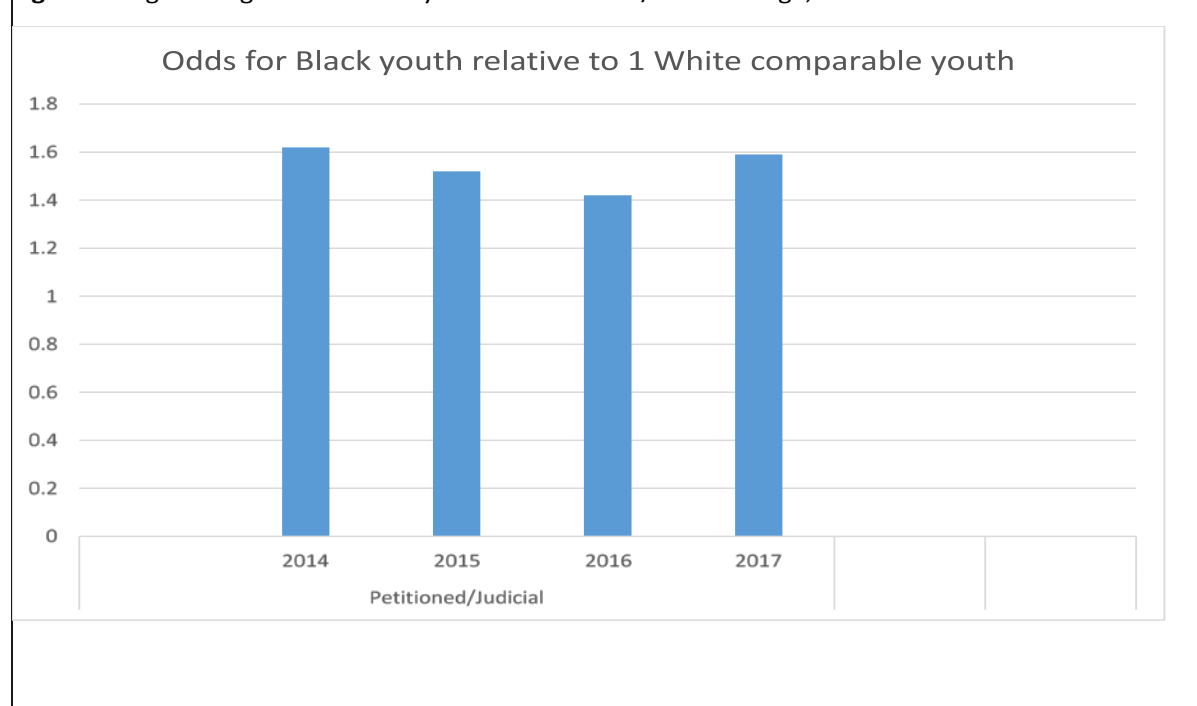
Again and as with the other initiatives implemented by the Juvenile Court, there is a need to continuously monitor, evaluate, and see if change is needed to the DAT3.1. Such a process will allow for movement toward the reduction of the unnecessary use of secure detention and in DMC.



As stated in the last two Compliance Reports, it is noted that the Juvenile Court has expanded the use of electronic monitoring for pre-adjudicatory youth as an alternative to secure detention. In addition, the Juvenile Court continues to use The Ceasefire Gun Program as an initiative to release youth who are a first-time misdemeanor gun offender from detention. Last, an expeditor continues to review the daily detention report as well as review each and every youth in detention at least weekly to assess whether a youth can be either released, placed on electronic monitoring, or removed from electronic monitoring. Each of these have the potential to either reduce the number of youth referred to Juvenile Court and/or reduce the number of youth and the length of stay of those already detained. Moving forward the Ceasefire Gun Program and the use of electronic monitoring should be evaluated in the context of what impact do each have on addressing DMC.

**Another strategy for impacting change in DMC levels and improving the services provided by the Juvenile Court is to continue to address transports of youth to detention.** This is just not something that can be placed on the police but reflects **a need on the part of BOTH the police and the Juvenile Court to bring about change.** This can be achieved by, for example, further dialogue with law enforcement about the number of juveniles transported to the court and immediately released where such transfers could have been avoided had the officers used the call-in program.

**Non-Judicial Decision-Making:** Results from the assessment studies, including the 7<sup>th</sup> or last assessment study, indicate a DMC concern with respect to the disparate use of non-judicial resolutions in the juvenile justice system. In fact, every Equal Protection Monitor Compliance Report has recommended that the Juvenile Court do something to address disparities at this stage in the proceedings. Figure 1 illustrates the racial effect with the non-judicial (petition) over time.

**Figure 1.** Logistic Regression Odds by Race and Petition/Judicial Stage, 2014-2017

Note: How to read odds ratio, for example in 2017, petitioned/judicial outcome – 1.59 Blacks to 1 White.

Black youth are overrepresented in the petition/judicial outcome at this stage AND when factors are taken into consideration or controlled, such as crime severity and prior record, a Black relationship with the case most severe outcome still remains. That is, Black youth are approximately over 1 and a half times more likely than alike White youth to receive a judicial outcome; or go further into the juvenile court in 2017. These relationships of race with petition have remained fairly steady between 2014 through 2017 (meaning race is statistically significant).

*Steps that need to continue:* A recommendation from the last several Equal Protection Monitor Compliance Reports has directed the Juvenile Court to examine the objective decision-making tool used at the non-judicial stage (petition) since it has been argued that reliance on the instrument may be contributing to the race relationship at this stage in the proceedings. The Graduated Response Grid (GRG) is a revision of a prior instrument (Graduated Sanctions Grid) and was implemented November 1<sup>st</sup>, 2016. The instrument is used at intake or the petition stage to determine release, diversion or a referral for further court proceedings. The Juvenile Court agreed to assess, evaluate, and revise the structured decision-making tool used at the non-judicial stage. This instrument was believed to be contributing to the overrepresentation of Black youth receiving the judicial outcome at this stage, as well as the presence of the statistically significant race effects reported in the assessment studies. The Juvenile Court formed a committee and contracted with DATA FOR GOOD in April of 2017 in response to this recommendation to accomplish this task. DATA FOR GOOD released its report in June/July of 2018. Building upon that report and recommendations, and the consistent finding from the assessment studies,

the Court was advised to either incorporate an assessment component into the GRID or adopt a new objective tool for petition assessment.

For this Report, the Juvenile Court provided the following update on this recommendation.

- A new Response GRID was established in August 2018. The new Response GRID is an objective assessment tool that is used to determine what action should be taken when a youth has committed a misdemeanor offense.
- The old grid heavily considered past history and past charges. It appeared to focus on punitive consequences. The new grid focuses on the number of contacts and focuses on services. Likewise the new grid is based upon graduated responses.
- Initially when the new Response GRID was implemented, youth had limited opportunity to participate in diversion programs; it was limited to youth making their third contact. However, as a result of analyzing data, the Graduated Response Grid (GRG) has expanded the diversion referral process to include youth who have as many as five contacts. The objective for this approach is to provide services that will address the needs of youth and their families.
- The old grid allowed for counselor discretion as it relates to sanctions and the filing of petitions. The new grid dictates the course of action and limits the decision to file a petition to the AG's office. This process generates consistency with decision-making.
- All staff in the Children's Bureau has been trained on the utilization of the Response GRID. Refresher training is done periodically to ensure all counselors, especially new counselors, are implementing the GRID in the same fashion.
- A Diversion Team referral form was created to assist counselors in the Children's Bureau and diversion programs to ensure that families are adequately receiving services.
- We are currently working on establishing a new data collection tool in JCS to track the GRID results in a more efficient way.

From what was provided, it appears that the Juvenile Court has and is attempting to address this recommendation; meaning a revised tool has been implemented. However, given that the revised GRG was implemented in August of 2018 not enough time has passed to be fully assured that the tool has resulted in change. Moving forward a thorough evaluation involving multivariate analyses of the non-judicial stage needs to be performed to assess the effectiveness of the GRG to reduce DMC and the presence of race being a factor at the non-judicial stage.

The Juvenile Court has implemented other programs and initiatives at the non-judicial/petition stage; each of these efforts have the potential to reduce DMC. One such program is the By-Pass initiative which is an alternative to placing a youth on probation. It is a 90-day program for age 14 and younger. The Parent Orientation program is being used. The Parent Orientation program is for parents where they can ask court personnel questions about juvenile court proceedings. Parents will be also informed as to the importance of what it means to reject an offer to participate in diversion. There is also a newly developed class that was created to provide an avenue for juveniles placed in the Youth Services Bureau to be released from YSB supervision with tools given to abstain from have additional contact with Juvenile Court. During the class, the juvenile and the parent will receive a folder of mentoring, educational and employment booklets in addition to a certificate of completion. There is also a newly formed Diversion Team

where the objective is to collaborate and assign youth to court programming. The Diversion Team consists of: Youth Court, Early Intervention Program (EIP), APS/BY-PASS, Ceasefire, and Children's Bureau. The Diversion Team meets weekly and a goal is to be sure that youth are receiving the necessary services that will educate, intervene, and provide them with life skills that decreases recidivism and promotes healthy life outcomes. Each of these initiatives should be evaluated in the context as to how are they affecting DMC and if changing the disparate treatment of Black youth.

Moving forward it is imperative that the Juvenile Court monitor and evaluate how the GRID or GRG is being implemented and if achieving the goal of impacting DMC and reducing the effect of race on non-judicial decision-making. While counts or numbers showing petition outcomes differentiated by race is needed, there is also a need for multivariate analyses (logistic regression) to be conducted that models the interplay with race and non-judicial decision-making taking into account legal and extra-legal factors. This kind of analysis is needed to really assess if change has occurred. An example of the use of this technique can be found in the 11<sup>th</sup> Equal Protection Monitor Compliance Report and Appendix 1 of this report as well as in many of the past assessment Reports.

The Equal Protection Monitor did not perform the multivariate analyses involving 2018 cases and non-judicial decision-making. This aspect of the Compliance Report was typically done in the late spring with a year's worth of data following a spring on-site visitation. Furthermore, according to the Juvenile Court, the GRG was implemented in August of 2018; thus not enough time has passed to be fully assured that the tool has resulted in change. The Juvenile Court should continue to monitor and assess, and have a plan in place to conduct a more thorough investigation of this stage within the next couple of months (by then at least 6-8 months would have passed and enough cases should be present to clean the data and conduct the multi-variate analyses).

The Juvenile Court has contracted with Melissa Sickmund as a statistician to address DMC. I have been informed that she will be conducting the kind of analysis described above. This is good. As was the practice with me in the capacity as Equal Protection Monitor, however, it is also important to contract with an independent researcher who studies the influence of race/ethnicity on juvenile court outcomes to conduct future assessments. Such a practice ensures independence and replication; producing greater faith in what has been conducted and the accuracy of the analyses and results.

## Summary

The Juvenile Court has taken significant steps to address DMC, especially in the last 2 years. Still, further tinkering and additional strategies to reduce referrals and the use of secure detention are needed. Furthermore, attempts to alter decision-making at the non-judicial stage as pertains to race is the one stage that needs the most attention by the Juvenile Court. This attention needs to involve evaluation and possible retooling and the most oversight. I say this because of the persistence of the race relationship at this stage and the relative recent attempt by the Juvenile Court to enact reform to address DMC at this stage (August of 2018).

There is a need for the Juvenile Court to continue to view the initiatives not solely as one involving implementation but rather as a process that necessitates data, discussion, implementation, evaluation, refinement, monitoring, and ongoing refinement. If the Juvenile Court does this, the Juvenile Court would have taken a significant step towards compliance with the MOA. Such an approach by the Juvenile Court will produce a better understanding of the DMC issue that directs initiatives and policies to reduce DMC and provide more equitable treatment for all youth in juvenile justice proceedings in Shelby County.

## RATINGS TOWARD COMPLIANCE

In the section to follow, specific provisions, action taken to address the provisions, the level of compliance, a discussion of the rating of compliance, recommendations, and expectations will be discussed. The following levels are useful for indicating movement toward compliance on the part of the Juvenile Court that is first detailed:

**Substantial Compliance (SC)** means that the Juvenile Court has implemented policies, procedures and programs; has trained staff and personnel; has sufficient staff to implement the required reform; has demonstrated a commitment toward reform; has identified points of contact, have met, collected data, analyzed the data, and attempted reform; has addressed data needs; has developed and utilized mechanisms to disseminate information; has identified and developed areas and stages in the system in need of reform; has developed a plan to evaluate and monitor reform, and has ascertained if reform achieved desired outcomes. All of this needs to be implemented and accomplished within time-lines as specified in the Agreement.

**Partial Compliance (PC)** means that the Juvenile Court has implemented policies, procedures and programs; has trained staff and personnel; has sufficient staff to implement the required reform; has demonstrated a commitment toward reform; has identified points of contact, have met, collected data, analyzed the data, and attempted reform; has addressed data needs; has developed and utilized mechanisms to disseminate information; has identified and developed areas and stages in the system in need of reform; has developed a plan to evaluate and monitor reform, and has ascertained if reform achieved desired outcomes. **However**, while progress has been made toward stated above items, performance has been inconsistent and/or incomplete throughout the monitoring period and additional modifications are needed to ensure a greater level of compliance.

**Beginning Compliance (BC)** means that the Juvenile Court has made initial efforts to implement the required reform and achieve the desired outcome of equal protection for all youth within the stated time-lines **but** significant work remains on many of facets of stated above items.

**Non-Compliance (NC)** means the Juvenile Court has not implemented policies, procedures and programs; has not trained staff and personnel; does not have sufficient staff to implement the required reform; has not demonstrated a commitment toward reform; has not identified points of contact, have not met, have not collected data, have not analyzed the data, and have not attempted reform; has not addressed data needs; has not developed and utilized mechanisms to disseminate information; has not identified and developed areas and stages in the system in need of reform; has not developed a plan to evaluate and monitor reform, and has not ascertained if

reform achieved desired outcomes. This assessment is made within the context that the above stated actions or inactions has not occurred within time-lines as specified in the Agreement.

**Compliance Level to Be Determined (CLTBD)** means that a decision on the compliance level is pending in light of deadlines of specific reforms as stated in the Agreement have not yet come or arrived – Nine-Months, One- Year- or have been given an extension.

**Terminated** means that the Juvenile Court maintained a persistent level of substantial compliance in the area to warrant termination of that provision.

Table 1. Compliance Rating by Provision

Identifier	Provision	Compliance Rating
1a	Identify all data collection needs at each major Decision Point	SC
1c	Identify staffing needs to collect, evaluate & report data	Terminated
1e	JCMSC shall identify and designate a point of contact within each department to reduce DMC	Terminated
1f	Collect data and information required to determine where DMC occurs	SC
1d	Shelby County Mayor shall appoint a coordinator responsible for oversight of the progress on reducing DMC	Terminated
1b (9 months) i,ii,iii, v,vi  iv	JCMSC shall augment the appropriate data collection method to assist in its evaluation of its DMC levels, causes, and reduction.... This includes information on points of contact, the RRI's, and available diversion options for youth appearing before JCMSC tracking of youth upon released to an alternative program and what happens to them and does it impact DMC needs to be provided	SC  SC
1g (9 months)	Assess impact policies/procedures/programs on DMC levels at each decision point and conduct inventory of services and options...key here is non-judicial stage and to a lesser degree referrals and detention	PC
1h (9 months)	Complete and implement strategic plan to reduce DMC; Court DMC Coordinator is	SC

	working on this and has developed 30-60-90 work plan	
2a	Revise policies, procedures, practices, and existing agreements to reduce DMC at each Decision Point and encourage objective decision making in all departments relating to its delinquency docket	PC
2b	(i) Collection of sufficient data	PC
	(ii) Provision requiring least restrictive options and alternatives to a detention setting	SC
	(iii.) Guidelines identifying a list of infractions for which a child shall NOT be detained	PC
	(iv.) Guidelines identifying a list of infractions for which a child may be detained	PC
	(v.) Training and guidance on the use of existing and new objective decision making tools	SC
	(vi.) Requirement that a supervisory authority review all overrides within each department on, at minimum, a monthly basis	PC
2c	Reassess the effectiveness of its policies, procedures, practices and existing agreements annually and make necessary revisions to increase DMC reduction – key here is secure detention monitor over time and non-judicial stage – monitor over time and assessment studies	PC
3a-h (9 months)	Use of objective decision-making tools, etc.	SC
	Refine decision-making tools, etc.	PC
	Pilot program – Sheriff's department – transport	PC



	Pilot program – Memphis Police Department – Program Ceasefire Electronic monitoring expansion Monitor Transfer Annual review of objective tools	PC  PC
4	Training on a number of pts (i-vii)  Staff involved with the delinquency docket should receive training of at least 4 hours.	Terminated  Terminated
5	Develop and implement a community outreach program to inform community of progress toward reforms.  This should include a county-wide consortium that includes but is not limited to six to nine citizens selected by the Mayor and approved by the County Commission.  Open meeting every six months  There is a need for summaries of reports to be posted  JCMSC shall publish on its website annual reports in accordance with the Agreement. Terminated, no longer being monitored.  The Community Outreach program should include a data dashboard that communicates compliance on the part of JCMSC with the Agreement.  A community survey shall be conducted ( <b>one year</b> )	SC  SC  Terminated  Terminated  Terminated  Terminated  Terminated

1. DMC Assessment

- (a) Identify all data collection needs at each major Decision Point  
**STATUS-SUBSTANTIAL COMPLIANCE (SC)**  
DISCUSSION: This has been done.
- (c) Identify staffing needs to collect, evaluate & report data  
**STATUS- TERMINATED**  
DISCUSSION: This has been done.
- (e) JCMSC shall identify and designate a point of contact within each department to reduce DMC.  
**STATUS-TERMINATED**  
DISCUSSION: This has been done.
- (f) Collect data and information required to determine where DMC occurs  
**STATUS-SUBSTANTIAL COMPLIANCE (SC)**  
DISCUSSION: This has been done.
- (d) Shelby County Mayor shall appoint a coordinator responsible for oversight of the progress on reducing DMC  
**STATUS-TERMINATED**  
DISCUSSION: The County DMC Coordinator was hired in February of 2013. Work had been done with Staff, the Points of Contact, development of reports and to some degree has been involved in community outreach. As stated previously, the Court DMC Coordinator and the County DMC Coordinator should collaborate to some degree on tasks, such as community out-reach and the s strategic plan. As in the past, the County DMC Coordinator should continue to act as an independent overseer of the activities of the Court.

1. DMC Assessment

- (b)i,ii,iii, v,vi Within nine months, Juvenile Court shall augment the appropriate data collection method to assist in its evaluation of its DMC levels, causes, and reduction. This includes information on points of contact, the RRI's, and available diversion options for youth appearing before JCMSC, list of referring agencies, etc...  
**STATUS-SUBSTANTIAL COMPLIANCE (SC)**  
DISCUSSION: This has been done.
- (b) iv  
**STATUS-SUBSTANTIAL COMPLIANCE (SC)**  
DISCUSSION: Need to track and provide information once youth is released to an alternative program, what is the outcome, and how reduce DMC.

- (g) Assess impact of policies/procedures/programs on DMC levels at each decision point and conduct inventory of services and options...

**STATUS-PARTIAL COMPLIANCE (PC)**

DISCUSSION: The 7th assessment study was conducted and the process will continue with working relationships with the Court to improve data examined. Staff has produced many documents using data and RRI. Listing of diversion programs has occurred. Mapping and interpretation and action has been done. **Missing though is information if participation in these programs is reducing DMC.**

Information and data needs to be presented, analyzed, a plan developed and implemented, followed by an evaluation at the non-judicial/petition stage. Part of this should be the conducting of an assessment study using multivariate analyses. This is central toward gaining a rating of substantial compliance.

The Juvenile Court has shown changes have occurred in the DAT3.1. Information following implementation – aggregate counts and distributions concerning how many mandatory detentions, those detained and not detained. Monitor over time.

Aggregate information should continue to be collected and provided to the Equal Protection Monitor concerning the:

SRT initiative – monitor, assessment inquiry using multivariate analyses also needed

Precinct Liaison initiative

Transports

Cease Fire

Expeditor initiatives

The above is meant as examples. Programs that have DMC implications should be brought to the attention of the Monitor.

Providing information at the aggregate level for a year or what can be provided allows the Monitor to evaluate how the Juvenile Court is attempting to address DMC and whether such strategies are accomplishing the intended objectives.

- (h) Complete and implement strategic plan to reduce DMC...

**STATUS-SUBSTANTIAL COMPLIANCE (SC)**

DISCUSSION: Juvenile Court is now using framework used to guide this compliance report as their strategic plan. The Juvenile Court has shown a much stronger commitment to address DMC than in the past. Create a time-line addressing points raised in 1(g) and indicate what has been done and what is planned for

the future. Submit this as part of the monthly strategic plan. At the end of the year provide what has been done and not done.

## 2. DMC Policies and Procedures

- (a) Revise policies, procedures, practices, and existing agreements to reduce DMC at each Decision Point and encourage objective decision making in all departments relating to its delinquency docket.

### **STATUS-PARTIAL COMPLIANCE (PC)**

DISCUSSION: Already discussed. See 1(g)

### **STATUS-PARTIAL COMPLIANCE (PC)**

DISCUSSION: Structured decision-making tools have been adopted, revised, and implemented. However, efforts to revise need to continue.  
Already discussed, see comments 1(g).

- (b) Revision of the above to include:
- (i) Collection of sufficient data
  - (iv.) Guidelines identifying a list of infractions for which a child may be Detained – This has been done.

### **STATUS-SUBSTANTIAL COMPLIANCE (SC)**

DISCUSSION: COMPLETED

- (ii) Provision requiring least restrictive options and alternatives to a detention setting
- (iii.) Guidelines identifying a list of infractions for which a child shall NOT be detained
- (v.) Training and guidance on the use of existing and new objective decision making tools
- (vi.) Requirement that a supervisory authority review all overrides within each department on, at minimum, a monthly basis.

### **STATUS-PARTIAL COMPLIANCE (PC)**

DISCUSSION: Need to provide this information (2b(ii), (v) and guidelines to the Monitor as pertain to 2b(iii,vi).

- (c) Reassess the effectiveness of its policies, procedures, practices and existing agreements annually and make necessary revisions to increase DMC reduction

### **STATUS-PARTIAL COMPLIANCE (PC)**

DISCUSSION: Already discussed, see comments detailed in 1(g). There should be a process for supervisors to evaluate overrides. This is being done.

### 3. DMC Reduction: Evaluation and Tools

- (a) Use of objective decision-making tools, etc.  
**STATUS-SUBSTANTIAL COMPLIANCE (SC)**  
DISCUSSION: IMPLEMENTED
- (b) Refine decision-making tools, etc.  
**STATUS-PARTIAL COMPLIANCE (PC)**  
DISCUSSION: Already discussed, see comments detailed in 1(g). Need to provide information concerning guidelines from partners (JDAI, MPD Summons policy) and those by the Court
- (c) Implementation of a pilot program involving sheriff, police and the summons program  
**STATUS-PARTIAL COMPLIANCE (PC)**  
DISCUSSION: Agreement in place and implementation, training and evaluation needs to be part of effort. Aggregate data should be given to Monitor (see 1(g)).
- (d) Use of alternatives, including a pilot diversion program to secure detention, day/evening reporting center, the Law Enforcement Assistance Program, expansion of SHAPE, expansion of Electronic Monitoring, CEASE FIRE, Diversion Team, Parent Orientation, Precinct Liaison, SRT, etc.  
**STATUS-PARTIAL COMPLIANCE (PC)**  
DISCUSSION: Already discussed, see 1(g). It is important to note planned expansion of use of electronic monitoring. As stated in previous Compliance Reports, all of these strategies and programs need to be critically examined to assess/evaluate if address DMC and could be used more often. Aggregate data needs to be provided to the Monitor. In addition, the Court has obtained expanded beds in Porter Leath for shelter youth, especially for domestic violence situations. For youth with multiple probation, a limited number are at JIFF, evening reporting center. Please provide information as to what else the Court is doing in this regard.
- (e) Monitor and evaluate Transfer Process
- (f) Continued collection of data to assess DMC and its causes
- (g) Points of Contact to evaluate monthly RRI and numbers at each point in the system and generate a management report
- (h) Annually review objective decision-making tools....  
**STATUS-PARTIAL COMPLIANCE (PC)**  
DISCUSSION: These items have been discussed previously, see 1(g). Positive steps have been taken. Need to continuously review and revise.

### 4. Training (p. 26-27)

- (a) Training on a number of pts (i-vii)

- (b) Staff involved with the delinquency docket should receive training of at least 4 hours.

**STATUS-TERMINATED**

DISCUSSION: Several training sessions have occurred and training on certain programs is still in progress. Overall, the Court is commended for their effort in this regard.

5. Community Outreach as stated in Agreement

- (a) Develop and implement a community outreach program to inform community of progress toward reforms.

**STATUS-SUBSTANTIAL COMPLIANCE (SC)**

DISCUSSION: Done.

This should include a county-wide consortium that includes but is not limited to six to nine citizens selected by the Mayor and approved by the County Commission.

**STATUS-SUBSTANTIAL COMPLIANCE (SC)**

DISCUSSION: Done.

- (b) A number of other criteria that focus on at least one open meeting every six months and the publicizing of the meeting and the posting. (p. 33)

**STATUS-TERMINATED**

DISCUSSION: Public meetings have been held. Further, the Juvenile Court is making efforts to be engaged with the community.

- (c) There is a need for summaries of reports completed pursuant to the Agreement and made available to the community prior to the meeting- to be posted (p. 34)

**STATUS-TERMINATED**

DISCUSSION: This appears to have occurred

- (d) JCMSC shall publish on its website annual reports in accordance with the Agreement.

**STATUS-TERMINATED**

DISCUSSION: These activities have occurred. Terminated. No longer being monitored.

- (e) The Community Outreach program should include a data dashboard that communicates compliance on the part of JCMSC with the Agreement. (p. 34)

**STATUS-TERMINATED**

DISCUSSION: Done.

- (f) A community survey shall be conducted (**one year**) (p. 34)

The survey should measure public satisfaction, attitudes among court personnel and community members both within Memphis and the County and should be representative of gender, race/ethnicity.

**STATUS-TERMINATED**

DISCUSSION: Terminated.